

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SARITA K. SIMON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 13-cv-05455 RBL

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

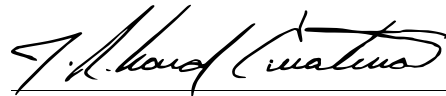
This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 16.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion and order that the Acting Commissioner's decision in regard to plaintiff's applications for payments pursuant to Titles II and XVI of the

1 Social Security Act be REVERSED and REMANDED to the Acting Commissioner of Social
2 Security for further administrative proceedings before an Administrative Law Judge; a *de novo*
3 hearing; and a new decision. On remand, the ALJ will combine the claim files, update the
4 administrative record and issue a new decision based on both the Title II and Title XVI
5 applications filed on July 20, 2007.

6 Given the facts and the parties' stipulation, this Court recommends that the District Judge
7 immediately approve this Report and Recommendation and REVERSE the Commissioner's
8 decision pursuant to sentence four of 42 U.S.C. §405(g) with a REMAND of the case to the
9 Acting Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).
10 Plaintiff will be entitled to reasonable attorney's fees and costs pursuant to the Equal Access to
11 Justice Act, 28 U.S.C. § 2412(d), following proper request to this Court.

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13 Dated this 6th day of February, 2014.

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16 J. Richard Creatura
17 United States Magistrate Judge
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